

Amendment No. 1 to HB1666

Farmer
Signature of Sponsor

AMEND Senate Bill No. 1651*

House Bill No. 1666

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-108, is amended by deleting subsections (b)-(j) in their entireties and substituting instead the following:

(b) Unless the parents can agree on a new visitation schedule, the relocating parent shall file a petition seeking to alter visitation.

(c)

(1) If the court finds it is in the best interest of the minor child under § 36-6-106(a)(1)-(15) to relocate with the relocating parent, the court shall modify the current permanent parenting plan to take into account the distance between the non-relocating parent and the relocating parent.

(2) If the court finds that it is not in the best interest of the minor child to relocate, but the relocating parent still elects to relocate, the court shall utilize the analysis conducted pursuant to § 36-6-106(a)(1)-(15) to create a new permanent parenting plan.

(d) The court shall consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall assess the costs of transporting the child for visitation, and determine whether a deviation from the child support guidelines should be considered in light of all factors, including, but not limited to, additional costs incurred for transporting the child for visitation.

(e) Nothing in this section shall prohibit either parent from petitioning the court at any time to address issues, including, but not limited to, visitation, other than a change of

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custody related to the move. In the event no opposition to a proposed relocation is filed within thirty (30) days of receipt of notice of the petition to relocate, the parent proposing to relocate with the child shall be permitted to do so.

(f) It is the legislative intent that the sole issue in a proposed child relocation is whether the relocation is in the best interests of the child. Therefore, the gender of the parent who seeks to relocate shall not be a factor in favor of or against the relocation of such parent with the child.

(g) Either parent in a parental relocation matter may recover reasonable attorney fees and other litigation expenses from the other parent in the discretion of the court.

(h) This section shall also apply to a parent who is subject to an injunction pursuant to § 36-6-116 or § 36-4-106(d)(5).

SECTION 2. Tennessee Code Annotated, Section 36-6-108(a)(4), is amended by deleting the subdivision and substituting instead the following:

(4) Statement that the relocating parent must file a petition to relocate if the parents cannot agree on a new visitation schedule.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.